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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,124	03/22/2002	Chris Sandoval	FMC 1371 PUSP / 201-0013	5947
28395	7590	10/26/2006		EXAMINER
				DESHPANDE, KALYAN K
			ART UNIT	PAPER NUMBER
				3623

DATE MAILED: 10/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/063,124	SANDOVAL ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Kalyan K. Deshpande	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 21 August 2006.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-20 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Introduction***

1. The following is a final office action in response to the communications received on August 21, 2006. Claims 1-20 are now pending in this application.

### ***Examiner's Note***

2. Applicants are reminded to submit with each response a formal presentation of the claims with the status of each of the claims noted. Applicants have failed to provide a status of the claims with the response submitted on August 21, 2006. Examiner has assumed all claims have the status of "original" since no amendments to the claims were received, however, Examiner requests that a presentation and status of the claims are submitted with all future responses. See MPEP §714.

### ***Response to Amendments***

3. No amendments to the claims were filed in response to the first office action.

### ***Response to Arguments***

4. Applicants' arguments filed on August 21, 2006 have been fully considered but are not found persuasive. Applicants' argues i) Baker fails to teach "receiving at least one best practice idea from one or more best practice requesters", ii) Baker fails to teach "wherein the at least one executive sponsor possess the executive authority to exercise organizational resources necessary to develop and implement the best practice idea", and iii) Examiner exercised impermissible hindsight in combining the single reference Baker.

In response to Applicants' argument Baker fails to teach "receiving at least one best practice idea from one or more best practice requesters", Examiner respectfully disagrees. Specifically, Applicants' argue that a "best practice in accordance with the present invention is the most effective way to execute a specific business process, task, or objective" (see Remarks page 2). It is noted that the features upon which applicant relies (i.e., "best practice in accordance with the present invention is the most effective way to execute a specific business process, task, or objective") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Baker teaches "best practice" in general based on the broadness of the claim (see Baker pp. 55-60; where a best practice idea is selected from a list of received project ideas.). Furthermore, Baker teaches Applicants' special definition of "best practice" (see Baker pp. 90-91; where projects are broken down in to tasks. Tasks are organized and executed in a manner that is most effective.). Based on the teachings of Baker, Examiner respectfully submits that Applicants' argument that Baker fails to teach "receiving at least one best practice idea from one or more best practice requesters" is not persuasive.

In response to Applicants' argument Baker fails to teach "wherein the at least one executive sponsor possess the executive authority to exercise organizational resources necessary to develop and implement the best practice idea", Examiner respectfully disagrees. Baker teaches "presenting the best practice idea to at least one executive sponsor for approval and commitment wherein the at least one executive sponsor

possesses the executive authority to exercise organizational resources necessary to develop and implement the best practice idea" (see Baker pp. 50; where a review and approval team approves projects.). Applicants' further argue that Baker is "silent as to whether any members of [Baker's] "Review and Approval Team" possess the executive authority to exercise organizational resources necessary to develop and implement the best practice idea" (see Remarks pp. 2-3). Baker explicitly teaches that the "Review and Approval" team consists of stakeholders, including functional managers and executives (see Baker p. 50). Executives will have the executive authority exercise organizational resources to develop and implement ideas. Applicants further argue that an "authority to approve does not necessarily imply authority to exercise organizational resources necessary to develop and implement" (see Remarks pp. 2-3). Examiner respectfully disagrees. When a functional manager and/or executive have the authority to approve of ideas, the approval of the idea implicitly is the same as having the authority to organize resources to develop and implement the idea.

In response to Applicants' argument Examiner exercised impermissible hindsight in combining the single reference Baker, Examiner respectfully disagrees. Applicants specifically argue that Examiner combined a portion of Applicants' claims with Baker to render the limitation obvious. Examiner relied on Baker's teaching of assembling an implementation team (see p. 51; where a core implementation team is chosen.) and defining functional management responsible for a business function (see p. 50; where functional management are identified.). Examiner further asserted that assembling an implementation team and identifying a functional organization the project is going to

affect implies that the project plan will be deployed to that functional unit. Thus, Examiner is solely relying on the teachings of Baker and not on the disclosure of the present invention.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (Baker, Sunny; Baker, Kim; The Complete Idiot's Guide to Project Management, Alpha Books, 2000).

As per claim 1, Baker et al. teach:

A method for implementing a best practice idea within an organization comprising:  
receiving at least one best practice idea from one or more best practice requesters (see pp. 55-60; where a best practice idea is selected from a list of received project ideas.);

assigning the best practice idea to a best practice process ownership team and at least one functional champion within the organization wherein the process ownership team and the at least one functional champion analyze the best practice idea to confirm that the best practice idea is a best practice, assess the feasibility of the best practice, and are responsible for the development and implementation of

the best practice idea (see pp. 47-60; where functional management and core project implementation teams analyze a project based on several risks and constraints to determine the best ideas to implement.);

presenting the best practice idea to at least one executive sponsor for approval and commitment wherein the at least one executive sponsor possesses the executive authority to exercise organizational resources necessary to develop and implement the best practice idea (see pp. 50; where a review and approval team approves projects.);

defining a project plan for the best practice idea wherein the project plan tracks any necessary steps for developing and implementing the best practice idea (see pp. 89-98; where a project plan is developed. The project plan establishes tasks for developing and implementing the idea.);

developing the best practice idea according to the project plan (see pp. 272-278; where the project is developed according to the project plan.); and

Baker et al. fail to explicitly teach “deploying the best practice idea within at least one organizational function”. Baker et al. do teach assembling an implementation team (see p. 51; where a core implementation team is chosen.) and defining functional management responsible for a business function (see p. 50; where functional management are identified.). Assembling an implementation team and identifying a functional organization the project is going to affect implies that the project plan will be deployed to that functional unit. The advantage of deploying a project plan to an organization function is that this step determines the actual realization of the project

thereby improving the performance and efficiency of an organization. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to "deploy the best practice idea within at least one organizational function" in combination with the teachings of Baker et al. in order to improve the performance and efficiency of the organization, which is a goal of Baker et al. (see p. 14).

As per claim 2, Baker et al. teach:

The method of claim 1 wherein the best practice process ownership team and the at least one functional champion additionally assess the novelty and priority of the best practice idea with respect to previously identified best practice ideas (see pp. 47-60; where functional management and the core implementation team assess the novelty and priority of a project. A comparison of project ideas is also created.).

As per claim 3, Baker et al. teach:

The method of claim 1 wherein the organizational resources are selected from a group consisting of human resources, machine resources, computing resources, material resources and supplier resources (see p. 122; where organizational resources are listed. "People" are the same as human resources. "Equipment" is the same as machine resources. "Technology" is the same as computing resources. "Materials and supplies" are also listed.).

As per claim 4, Baker et al. teach:

The method of claim 1 wherein the step of deploying the best practice idea includes communicating the best practice idea to organizational resources necessary to effectively carry out the best practice idea and requiring that the best

practice idea be carried out by those organizational resources (see pp. 259-267; where information of the project idea and the project tasks are effectively communicated to the project team.).

As per claim 5, Baker et al. teach:

The method of claim 1 additionally comprising presenting the best practice idea to the process ownership team for approval prior to deployment of the best practice idea (see pp. 47-60; where functional management and an approval team approve the project.).

Claim 6 recites limitations already addressed by the rejection of claim 1; therefore the same rejection applies to this claim.

As per claim 7, Baker et al. fail to explicitly teach conducting a pilot of the best practice idea. It is old and well-known in the art to conduct a pilot of a project idea. The advantage of conducting a pilot is that it allows the implementation team to further collect functional usage data that further the project idea's effectiveness in improving the performance and efficiency of an organization. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to conduct a pilot of the best practice idea in order to further the improvement in performance and efficiency of the organization, which is a goal of Baker et al. (see p. 14).

As per claim 8, Baker et al. teach:

The method of claim 1 wherein the process ownership team comprises a steering team, a roundtable group and a best practice team (see pp. 50-51; where a functional management team includes supervisors, managers and vice presidents

with an interest in the business processes being affected. The core implementation team consists of the project manager, other managers, and subject matter experts. The review and approval team consists of players involved in approving the details of the project idea. The review and approval team and functional management team is the same as the steering committee. The core implementation team is the same as the roundtable group and the best practice team.).

As per claim 9, Baker et al. teach:

The method of claim 8 wherein the steering team includes one or more process ownership team champions and one or more process ownership team leaders (see p. 50; where the functional management team includes supervisors, managers, and vice presidents with an interest in the business process being affected. The review and approval team consists of players involved in approving the details of the project idea. A functional management team and a review and approval team are the same as a steering committee.).

As per claim 10, Baker et al. teach:

The method of claim 9 wherein the one or more process ownership team champions are responsible for managing the process ownership team and chair the steering team (see p. 50; where the functional management team includes supervisors, managers, and vice presidents with an interest in the business process being affected. The review and approval team consists of players involved in approving the details of the project idea. A functional management team and a review and approval team are the same as a steering committee.).

As per claim 11, Baker et al. teach:

The method of claim 8 wherein the steering team includes one or more cross-functional representatives (see p. 50; where managers who have a fundamental interest but do not have a direct stake in the project idea are included in the functional management team. Managers with an interest but no direct stake in a project idea are cross-functional representatives.).

As per claim 12, Baker et al. teach:

The method of claim 8 wherein the steering team allocates organizational resources for the development of the best practice idea, provides approval to begin developing the best practice idea, and approves the developed best practice idea before it is implemented (see p. 50; where the review and approval team (steering team) allocates the budget and other resources to a project plan. It further approves the development of the project idea.).

As per claim 13, Baker et al. teach:

The method of claim 8 wherein the best practice team includes one or more subject matter experts, the best practice requester, one or more user and deployment representatives, and one or more financial analysts (see p. 51; where the best practice team includes expert players, such as engineers, design specialists, etc.).

As per claim 14, Baker et al. teach:

The method of claim 1 wherein one or more worksheet templates are utilized to document the identification, selection, development, and deployment of the at least

one best practice idea (see p. 361-365; where computer software provides a standardization to run project management on. Features that software includes include standard reports that document analysis of a project, including the costs and scheduling of phases of a project.).

As per claim 15, Baker et al. teach:

The method of claim 14 wherein the one or more worksheet templates are electronic and are populated in an online fashion (see p. 361-365; where computer software can be networked and worked on virtually (online).).

As per claim 16, Baker et al. teach:

The method of claim 1 wherein information gathered while identifying, selecting, developing and deploying the at least one best practice idea is maintained in a computer database (see p. 365; where remote users can connect to the project management software through the world-wide-web. Remote users can access databases as well.).

As per claim 17, Baker et al. teach:

The method of claim 16 wherein the computer database is accessible and searchable via the Internet including the World-Wide-Web (see pp. 362-365; where information database can be reached via the Internet, including the Web.).

Claims 18-20 recite “best practices processes” which is the same as “best practices ideas” and limitations already addressed by the rejection of claims 1-17; therefore the same rejections apply to these claims.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kalyan K. Deshpande whose telephone number is (571)272-5880. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kkd

*Romain Jeanty  
Primary Examiner  
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